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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,964	01/03/2001	Toufic Boubez	RSW920000103US1	1704
25259	7590	07/09/2009		
IBM CORPORATION 3039 CORNWALLIS RD. DEPT. T81 / B503, PO BOX 12195 RESEARCH TRIANGLE PARK, NC 27709			EXAMINER HAMILTON, LALITA M	
			ART UNIT 3691	PAPER NUMBER
			NOTIFICATION DATE 07/09/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

RSWIPLAW@us.ibm.com

DETAILED ACTION

This action is in response to the remarks filed on April 14, 2009.

Claim Rejections - 35 USC § 101

The rejection has been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohn (2002/0010651), as set forth in the previous Office Action.

Response to Arguments

Applicant's arguments filed April 14, 2009 have been fully considered but they are not persuasive. The Applicant argues that Cohn does not disclose applying by the service broker, one or more canonical service description tests to the service description to determine if the service description should be registered in the category; wherein one or more canonical service description tests identify minimum criteria for the category; or the method implemented in a service broker within at least one network. In response, Cohn discloses a subscription sales process (para.60-66). On p.28 of the BPAI decision in 09/655,196 (Assignee IBM), the Board stated that the Cohn invention

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"occurs within a sales context and therefore the criteria for having a sale transaction take place is sufficient criteria for determining whether the registration should occur."

Therefore, the Examiner is interpreting Cohn as disclosing applying by the service broker, one or more canonical service description tests to the service description to determine if the service description should be registered in the category.

With regard to the argument that Cohn does not disclose wherein one or more canonical service description tests identify minimum criteria for the category, on p.30, the Board stated that the

claim does not specify the nature of the minimum criteria other than it relate to the service description and categories. In particular, the determining may be predicated on the judgment of the data entry operator. Since registration is predicated on meeting the criteria for Cohn's membership subscriptions, a failure, as judged by the one performing or managing Cohn's subscription data entry process, for the data to meet the criteria for a sales subscription, would fail to meet the minimum criteria for one or more categories associated with the would be sales subscription.

Therefore, the Examiner is interpreting Cohn as disclosing one or more canonical service description tests identify minimum criteria for the category.

With regard to the argument that Cohn does not disclose the method implemented in a service broker within at least one network, Cohn discloses a subscription sales process in an on-line network. Therefore, the Examiner is interpreting Cohn as disclosing a a method implemented in a service broker within at least one network.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Lalita M Hamilton/
Primary Examiner, Art Unit 3691